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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

THE CENTER FOR INVESTIGATIVE  
REPORTING, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
LABOR,

Defendant.

No. CV-4:21-cv-03826-KAW

**STIPULATION AND ORDER  
REGARDING PRODUCTION SCHEDULE**

Plaintiffs The Center for Investigative Reporting and Michael Montgomery (“Plaintiffs”) and Defendant United States Department of Labor (“DOL”) (collectively, “the Parties”), by and through their counsel, hereby stipulate to the following production schedule and request that the Court vacate the current deadlines and court appearances in this case in order to provide the Parties with an opportunity to attempt to resolve this lawsuit without further court involvement.

WHEREAS, the Parties have met and conferred regarding a schedule by which DOL will produce the records at issue in this lawsuit, culminating in a final determination.

WHEREAS, the Court has scheduled an initial case management conference for October 26, 2021 at 1:30 p.m.

1 WHEREAS, the Parties believe it will be most efficient to allow DOL to produce records and  
2 make its determination on the agreed-upon schedule and to subsequently inform the Court whether any  
3 disputes thereafter remain.

4 NOW, THEREFORE, the Parties respectfully request that the Court accept this stipulation and  
5 vacate the pending deadlines in this lawsuit. The Parties further request that the Court set and order the  
6 following production schedule, which the Parties have agreed to.

7 DOL currently estimates that it has approximately 80 documents with an untallied number of  
8 pages that are potentially responsive to Plaintiffs' Freedom of Information Act request. The majority of  
9 these records are in Spanish and require translation in order to be processed, which significantly affects  
10 the amount of time and effort involved in responding to Plaintiffs' request. DOL will produce records  
11 responsive to Plaintiffs' request on the following schedule:

- 12 • October 26, 2021 – first interim production of records
- 13 • November 30, 2021 – second interim production of records
- 14 • December 30, 2021 – third interim production of records
- 15 • January 28, 2022 – fourth interim production of records
- 16 • February 28, 2022 – final production of records

17 Upon completion of records production, DOL will provide Plaintiffs with a final determination  
18 on its FOIA request. Thereafter the Parties will meet and confer in an attempt to resolve any remaining  
19 disputes without further court involvement, and will file a joint status report with the Court on or before  
20 March 25, 2022.

21 The Parties agree that this schedule may be altered or amended only upon agreement of the  
22 Parties or, absent such agreement, upon a showing of good cause. The Parties further agree that any  
23 agreed upon alteration or amendment need not be filed with the Court.

24 IT IS SO STIPULATED.

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1 DATED: October 19, 2021

Respectfully submitted,

2 STEPHANIE M. HINDS  
Acting United States Attorney

3 /s/ David M. DeVito\*

4 DAVID M. DEVITO  
Assistant United States Attorney

5 Attorneys for Defendant

6 DATED: October 19, 2021

7 THE CENTER FOR INVESTIGATIVE  
REPORTING

8 /s/ D. Victoria Baranetsky

9 D. VICTORIA BARANETSKY

10 Attorneys for Plaintiffs

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\* In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that counsel for Plaintiffs has concurred in the filing of this document.

**ORDER**

Pursuant to the Parties' Stipulation, and good cause appearing, the Court orders as follows:

1. DOL will produce records responsive to Plaintiffs' Freedom of Information Act request, which forms the basis of this lawsuit, on the following schedule:
  - October 26, 2021 – first interim production of records
  - November 30, 2021 – second interim production of records
  - December 30, 2021 – third interim production of records
  - January 28, 2022 – fourth interim production of records
  - February 28, 2022 – final production of records
2. Upon completion of production, DOL will provide Plaintiffs with a final determination;
3. The Parties will provide the Court with a Joint Status Report by March 25, 2022.
4. All pending deadlines and court appearances, including the October 26, 2021 case management conference, are vacated.

IT IS SO ORDERED.

DATED: October 20, 2021

  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge